

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	: 3:18-CR-097
	:
v.	: (Judge Mariani)
	:
ROSS ROGGIO	: (Electronically Filed)

**MOTION TO SUPPRESS EVIDENCE SEIZED IN VIOLATION OF THE
UNITED STATES CONSTITUTION**

1. On March 20, 2018, Ross Roggio was charged in an indictment with conspiracy to commit an offense against the United States, in violation of 18 U.S.C. § 371; violations of the Arms Export Control Act, 22 U.S.C. § 2778(b) and (c); and the International Emergency Powers Act, 50 U.S.C. §§ 1702 and 1705(c); smuggling goods from the United States, in violation of 18 U.S.C. §§ 554 and 2; wire fraud, in violation of 18 U.S.C. § 1343; and money laundering, in violation of 18 U.S.C. §§ 1956(a)(2)(A) and 2. (Doc. 1).
2. On March 23, 2018, Mr. Roggio appeared before Magistrate Judge Karoline Mehalchick for an initial appearance and arraignment, and entered a plea of “not guilty” to the charges.
3. This case was designated as “complex” by Order dated October 12, 2018. (Doc. 39).
4. The allegations against Mr. Roggio are contained in the 26-page Indictment

which contains 37 separate counts against him. In short, Mr. Roggio is accused of unlawfully exporting defense services and defense articles to Iraq and Iraqi foreign nationals. (Doc. 1, pp. 8-9).

5. These allegations in the Indictment are based, in large part, on an interpretation of reports, budgets, spreadsheets, emails, et cetera, that were obtained by the Government through a forensic search of Mr. Roggio's electronic devices.
6. The search of Mr. Roggio's electronic devices took place after they were confiscated from him – without a warrant, without probable cause that he committed any wrongdoing, or without even reasonable suspicion that he had done anything illegal – on February 26, 2017, at the JFK International Airport when Mr. Roggio was returning to the United States from Turkey.
7. When Mr. Roggio arrived at JFK Airport in New York on February 26, 2017, he was subjected to a custodial interview and his electronic devices were confiscated. Mr. Roggio was free to leave after the interview, but the Government retained his property and sent it to a Homeland Security facility in Philadelphia where his electronics were forensically searched.
8. After his electronics were forensically searched for nearly a month, and a significant amount of information was retrieved, the Government used that information to apply for a search warrant of the very items that it had in its

possession and has already forensically searched.

9. The confiscation of Mr. Riggio's electronic devices at the JFK Airport and their subsequent forensic search constituted a violation of the Fourth Amendment and all fruits of that search and seizure should be suppressed.
10. Accordingly, the Defendant, Ross Roggio, respectfully requests that this Honorable Court schedule a suppression hearing.

Respectfully submitted,

Date: March 29, 2019

s/Leo A. Latella

Leo A. Latella

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CERTIFICATE OF SERVICE

I, Leo A. Latella, Assistant Federal Public Defender, do hereby certify that this document, the foregoing **Motion to Suppress**, filed electronically through the ECF system will be sent to the registered Participants as identified on the Notice of Electronic Filing, including the following:

Todd K. Hinkley, Esquire
Assistant United States Attorney

and by placing the same in the United States mail, first class, postage prepaid, at Scranton, Pennsylvania, addressed to the following:

Mr. Ross Roggio

Date: March 29, 2019

s/Leo A. Latella

Leo A. Latella
Assistant Federal Public Defender